

No.

**CR - 08 00579**

**JW**

**RS**

**FILED**

**UNITED STATES DISTRICT COURT**

2008 AUG 27 P 3:47

**NORTHERN DISTRICT OF CALIFORNIA**

TERESA WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA. S.J.

**SAN JOSE DIVISION**

**E-FILING**

**THE UNITED STATES OF AMERICA**

**vs.**

**SAUL DE LOS SANTOS VILLAFAN  
and JAIME CRUZ-ALVARADO**

**INDICTMENT**

**COUNT ONE:**

21 U.S.C. § 846 - Conspiracy to Possess with Intent to Distribute, and to Distribute, Methamphetamine

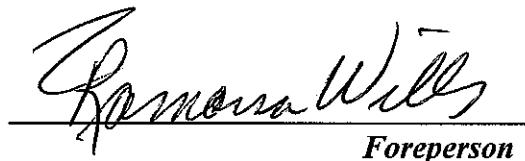
**COUNT TWO:**

21 U.S.C. § 846 - Attempt to Distribute Methamphetamine; 18 U.S.C. § 2 - Aiding and Abetting

**COUNT THREE:**

21 U.S.C. § 841(a)(1) and (b)(1)(B)(viii) - Possession with Intent to Distribute Methamphetamine; 18 U.S.C. § 2 - Aiding and Abetting

*A true bill.*

  
Patricia Wills  
Foreperson

*Filed in open court this 27 day of August*

*A.D. 2008*

  
Patricia V. Marshall  
United States Magistrate Judge

*Bail. \$ \_\_\_\_\_*

1 JOSEPH P. RUSSONIELLO (CABN 44332)  
2 United States Attorney

FILED

2008 AUG 27 P 247

E-FILING

RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA. S.J.

7 UNITED STATES DISTRICT COURT  
8 NORTHERN DISTRICT OF CALIFORNIA  
9 SAN JOSE DIVISION

10 UNITED STATES OF AMERICA,

11 CR - 08 00579

12 Criminal No.: 08cr00579

13 Plaintiff,

14 v.

15 SAUL DE LOS SANTOS VILLAFAN,  
16 JAIME CRUZ-ALVARADO,

17 Defendants.

18 }  
19 } VIOLATIONS: 21 U.S.C. § 846 –  
20 } Conspiracy to Possess with Intent to  
21 } Distribute, and to Distribute,  
22 } Methamphetamine; 21 U.S.C. § 846 –  
23 } Attempt to Distribute Methamphetamine; 21  
24 } U.S.C. § 841(a)(1) and (b)(1)(B) –  
25 } Possession with Intent to Distribute  
26 } Methamphetamine; 18 U.S.C. § 2 - Aiding  
27 } and Abetting

28 SAN JOSE VENUE

JW  
RS

18 INDICTMENT

19 The Grand Jury charges:

20 COUNT ONE: (21 U.S.C. § 846 - Conspiracy to Possess with Intent to Distribute, and to  
21 Distribute, Methamphetamine)

22 Beginning on a date unknown to the Grand Jury, but no later than July 3, 2008, and  
23 continuing until August 13, 2008, the defendants,

24 SAUL DE LOS SANTOS VILLAFAN, and  
25 JAIME CRUZ-ALVARADO,

26 together with others unknown to the Grand Jury, did knowingly and intentionally conspire to  
27 possess with the intent to distribute, and to distribute, 50 grams and more of a mixture and

28 INDICTMENT

1 substance containing a detectable amount of methamphetamine, its salts, isomers, and salts of its  
2 isomers, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections  
3 841(a)(1) and (b)(1)(B)(viii).

4

5 COUNT TWO: (21 U.S.C. § 846 - Attempt to Distribute Methamphetamine; 18 U.S.C. § 2  
6 – Aiding and Abetting)

7 Beginning on a date unknown to the Grand Jury, but no later than July 3, 2008, and  
8 continuing until August 13, 2008, the defendants,

9 SAUL DE LOS SANTOS VILLAFAN, and  
10 JAIME CRUZ-ALVARADO,

11 together with others unknown to the Grand Jury, did knowingly and intentionally attempt  
12 distribute 50 grams and more of a mixture and substance containing a detectable amount of  
13 methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance,  
14 and did aid and abet in the same, in violation of Title 21, United States Code, Sections 841(a)(1)  
15 and (b)(1)(B)(viii), and Title 18 U.S.C. Section 2.

16

17 COUNT THREE: (21 U.S.C. § 841(a)(1) and (b)(1)(B)(viii) – Possession with Intent to  
18 Distribute Methamphetamine; 18 U.S.C. § 2 – Aiding and Abetting)

19 On or about August 13, 2008, in the Northern District of California, the defendants,

20 SAUL DE LOS SANTOS VILLAFAN, and  
21 JAIME CRUZ-ALVARADO,

22 did knowingly and intentionally possess with the intent to distribute 50 grams and more of a  
23 mixture and substance containing a detectable amount of methamphetamine, its salts, isomers,

24 //

25 //

26 //

27 //

28 //

INDICTMENT

1 and salts of its isomers, a schedule II controlled substance, and did aid and abet in the same, in  
2 violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B)(viii), and Title 18  
3 U.S.C. Section 2.

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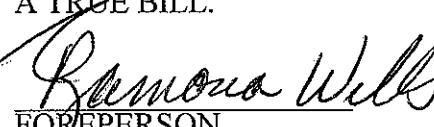
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7 DATED: August 27, 2008

A TRUE BILL.

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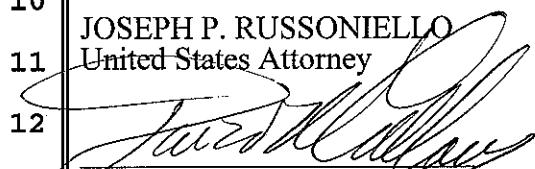
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Ramona Wells

FOREPERSON

10

11 JOSEPH P. RUSSONIELLO  
United States Attorney

12 

13 DAVID CALLAWAY  
Deputy Chief, San Jose Branch

14

15

16 (Approved as to form:  )  
AUSA DANIEL KALEBA

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INDICTMENT

AO 257 (Rev. 6/78)

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**

BY:  COMPLAINT  INFORMATION  INDICTMENT  
 SUPERSEDING

Name of District Court, and/or Judge/Magistrate Location  
 NORTHERN DISTRICT OF CALIFORNIA

**FILED****OFFENSE CHARGED**

21 USC § 846-Conspiracy to Possess with Intent to Dist., and to Dist., Meth.; 21 USC § 846-Attempt to Dist. Meth.; 21 USC § 841(a)(1) and (b)(1)(B) - Possession with Intent to Dist. Meth.; 18 USC § 2-Aiding and Abetting

Petty  
 Minor  
 Misdemeanor  
 Felony

**PENALTY:**

40 years imprisonment  
\$2,000,000 fine

4 years supervised release mandatory minimum  
\$100 special assessment fee

**E-FILING****PROCEEDING**

Name of Complainant Agency, or Person (&Title, if any)

DEA - ANTHONY HERRERA

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

this is a reprocsecution of charges previously dismissed which were dismissed on motion of:

U.S. Att'y  Defense

this prosecution relates to a pending case involving this same defendant

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

SHOW DOCKET NO.

MAGISTRATE CASE NO.

Name and Office of Person Furnishing Information on THIS FORM

JOSEPH P. RUSSONIELLO

U.S. Att'y  Other U.S. Agency

Name of Asst. U.S. Att'y (if assigned)

TOM COLTHURST

**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.  
1)  If not detained give date any prior summons was served on above charges

2)  Is a Fugitive

3)  Is on Bail or Release from (show District)

**IS IN CUSTODY**

4)  On this charge  
5)  On another conviction  
6)  Awaiting trial on other charges }       Fed'l     State

If answer to (6) is "Yes", show name of institution

Has detainer been filed?       Yes     No      If "Yes" give date filed

DATE OF ARREST      Month/Day/Year

Or... if Arresting Agency & Warrant were not

Month/Day/Year

DATE TRANSFERRED TO U.S. CUSTODY

This report amends AO 257 previously submitted

**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**

SUMMONS  NO PROCESS\*       WARRANT      Bail Amount: \_\_\_\_\_

If Summons, complete following:

Arraignment  Initial Appearance

Defendant Address: \_\_\_\_\_

\*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: \_\_\_\_\_

Before Judge: \_\_\_\_\_

Comments: \_\_\_\_\_

AO 257 (Rev. 6/78)

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**

BY:  COMPLAINT  INFORMATION  INDICTMENT  
 SUPERSEDING

**OFFENSE CHARGED**

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Petty  
 Minor  
 Misdemeanor  
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40 years imprisonment  
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E-FILING

**PROCEEDING**

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DEA - ANTHONY HERRERA

person is awaiting trial in another Federal or State Court, give name of court

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Name and Office of Person Furnishing Information on THIS FORM

JOSEPH P. RUSSONIELLO

U.S. Att'y  Other U.S. Agency

Name of Asst. U.S. Att'y  
(if assigned)

TOM COLTHURST

Name of District Court, and/or Judge/Magistrate Location  
NORTHERN DISTRICT OF CALIFORNIA  
**FILED**

DEFENDANT - U.S.

2008 AUG 27 P 3:18

JAIME CRUZ-ALVARADO

RICHARD W. WIEKING

DISTRICT COURT NUMBER

CLERK

U.S. DISTRICT COURT

NO. DIST. OF CA. S.J.

JW

CR - 08 00579

DEFENDANT

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2)  Is a Fugitive

3)  Is on Bail or Release from (show District) RS

**IS IN CUSTODY**

4)  On this charge

5)  On another conviction

6)  Awaiting trial on other charges }       Fed'l     State

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DATE OF ARREST    Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

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DATE TRANSFERRED TO U.S. CUSTODY

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Date/Time: \_\_\_\_\_

Before Judge: \_\_\_\_\_

Comments: \_\_\_\_\_